

URBAN/MUNICIPAL

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PARKING OF MOTOR VEHICLES ON
PRIVATE PROPERTY & MUNICIPAL
PROPERTY BY-LAW



The Corporation of the City of Hamilton

By-law No. 99- 180

To amend By-law 89-75

PARKING OF MOTOR VEHICLES ON PRIVATE PROPERTY AND MUNICIPAL PROPERTY

WHEREAS paragraph 131, Section 210 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, confers upon the Councils of local municipalities the authority to pass a by-law:

For prohibiting the parking or leaving of motor vehicles;

- i on private property without the consent of the owner or occupant of the property; and,
- ii on property owned or occupied by the municipality or any local board thereof without the consent of the of the municipality or local board, as the case may be;

AND WHEREAS By-law 89-75 was passed and enacted on the 28th day of February A.D. 1989, by the Council of the Corporation of the City of Hamilton, in accordance with paragraph 125, Section 210 of the Municipal Act R.S.O. 1980, c.302;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 1 of the 10th Report of the Transport and Environment Committee at its meeting held on the 14th of December, 1999, directed that By-law 89-75, as amended, be further amended as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Section 1 of By-law 89-75, as amended, is hereby further amended by deleting therefrom paragraph (e), in its entirety and by substituting in its place the following paragraph, namely:-

"(e) "class 3 private property" means property of The Corporation of the City of Hamilton or a local board thereof and property of the Regional Municipality of Hamilton-Wentworth or a local board thereof and such successor municipalities or boards as may be incorporated or established from time to time."

2. That Section 1 of By-law 89-75, as amended is hereby further amended by deleting therefrom paragraph (k), in its entirety, and by substituting in its place the following paragraph, namely:-

"(k) "suitable sign" means a sign which complies with such standards respecting size, shape, colour, content, mounting position and location as are established or approved, from time to time, by the Director;"

3. That Section 1 of By-law 89-75, as amended, is hereby further amended by adding thereto the following paragraphs, namely:-

- “(m) “Director” means the Director of Public Works and Traffic for the City of Hamilton, and includes his or her successor and his or her designate for the purpose of carrying out the provisions of this by-law, from time to time, as the case may be.
 - “(k) “approved permit” means a permit of a type submitted to the Director by the owner or occupant of a property, and which is subsequently approved by the Director as suitable for the purpose of identifying a vehicle which is owned or operated by a person who is authorized by said owner or occupant to park on the property of said owner or occupant.”
- 4. That By-law 89-75, as amended, is hereby further amended by deleting therefrom Section 3, in its entirety, and by substituting in its place the following Section, namely:-
 - “3. No person shall park a motor vehicle on class 3 private property without the consent of the Municipality or a Local Board thereof.”
- 5. That Section 5 of By-law 89-75, as amended, is hereby further amended by deleting therefrom subsection (2) in its entirety and by substituting in its place the following subsection, namely:-
 - “(2) A constable or by-law enforcement officer, upon discovery of a motor vehicle parked on class 3 private property contrary to the provisions of Section 3 of this By-law may cause the vehicle to be removed and impounded.
- 6. That Section 6a of By-law 89-75, as amended, is hereby further amended by designating paragraph (b) thereof as paragraph (c), and by adding thereto the following paragraph, namely:-
 - “(b) a vehicle parked on class 2 private property of the owner or occupant that is a commercial parking lot which is not a part of, or otherwise associated with, a residential property, and:
 - (i) where an approved permit, as issued by the property owner, is not displayed in the lower left hand corner of the front windshield of the subject vehicle, in such a manner as to be entirely in view from the outside of the vehicle; or
 - (ii) where specific prohibitions or restrictions respecting parking or stopping are clearly set out on suitable signs posted on the property and are satisfactory to the Director; or,”
- 7. That Section 7 of By-law 89-75, as amended is hereby further amended by striking out the phrase; “by section 48 of The Mechanics’ Lien Act”, and by substituting in its place the phrase; “the Repair and Storage Liens Act”.
- 8. That By-law 89-75, as amended, is hereby further amended by deleting therefrom Section 9 in its entirety and by substituting in its place the following Section, namely:-
 - “9. Every person who contravenes any provision of this by-law is guilty of an offence and is subject such penalties as are set out in the Provincial Offences Act, R.S.O. 1990, c. P.33.”

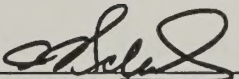
9. That By-law 89-75, as amended, is hereby further amended by deleting therefrom Section 9a in its entirety and by substituting in its place the following Section, namely:-

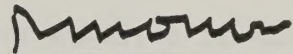
"9a. The owner of a vehicle that is parked, stopped or left standing in contravention of this by-law is guilty of an offence and is subject to such penalties as are set out in the Provincial Offences Act, R.S.O. 1990, c. P.33"

10. That Section 10 of By-law 89-75, as amended, is hereby further amended by deleting therefrom paragraph (c) in its entirety, and by designating paragraph (d) as paragraph (c).

11. This By-law shall come into force effect on the date of its passing and enactment.

Passed this 14th day of December, A.D. 1999


Municipal Clerk


Mayor



1. The first part of the report is a summary of the work done during the year.

2. The second part is a detailed account of the work done during the year.

3. The third part is a summary of the work done during the year.

4. The fourth part is a summary of the work done during the year.

5. The fifth part is a summary of the work done during the year.

6. The sixth part is a summary of the work done during the year.

7. The seventh part is a summary of the work done during the year.

8. The eighth part is a summary of the work done during the year.

9. The ninth part is a summary of the work done during the year.

10. The tenth part is a summary of the work done during the year.

11. The eleventh part is a summary of the work done during the year.

12. The twelfth part is a summary of the work done during the year.

13. The thirteenth part is a summary of the work done during the year.

14. The fourteenth part is a summary of the work done during the year.

The Corporation of the City of Hamilton

PARKING OF MOTOR VEHICLES ON

PRIVATE PROPERTY AND MUNICIPAL PROPERTY

By-law No. 89-75

WHEREAS paragraph 125 section 210 of The Municipal Act R.S.O. 1980, C.302 provides that by-law may be passed by the Councils of local municipalities:

125. For prohibiting the parking or leaving of motor vehicles,
- i. on private property without the consent of the owner or occupant of the property, and
 - ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.

AND WHEREAS By-law 75-155 was passed on the 27th day of May 1975 by the Council of the Corporation of the City of Hamilton in accordance with paragraph 112 of Section 354 of the Municipal Act R.S.O. 1970 (now paragraph 125, Section 210 of the Municipal Act R.S.O. 1980, C.302);

AND WHEREAS the Council of the Corporation of the City of Hamilton in adopting Item 17 of the 5th Report of the Transport and Environment Committee at its meeting held on the 28th of February 1989, directed that By-law No. 75-155, as amended to date, be consolidated as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) "by-law enforcement officer" means an officer of the City appointed for carrying out the provisions of this by-law;
- (b) "City" means the City of Hamilton;
- (c) "class 1 private property" means property occupied by a one-family dwelling, two-family dwelling or three-family dwelling;
- (d) "class 2 private property" means property other than class 1 and class 3 private property and includes property occupied by vacant buildings or structures and vacant land; By-law No. 77-226, S.1; By-law No. 77-282, S.1.
- (e) "class 3 private property" means property of The Regional Municipality of Hamilton-Wentworth or a local board thereof; By-law No. 77-282, S.3.
- (f) "constable" means a police constable who is a member of the Hamilton-Wentworth Regional Police Force and a special constable;
- (g) "local board" means a local board within the meaning of the Ontario Municipal Board Act;
- (h) "occupant" means a tenant who leases a residential, commercial or other property from the owner, where the lease may include a specific parking space or area;

(i) "owner" means,

- (i) a registered owner of any premises; or
- (ii) a building manager, superintendent, caretaker, or other authorized agent or representative, when designated in writing by the property owner; or
- (iii) the Board of Directors of a condominium corporation as defined by The Condominium Act;

(j) "park" or "parking" when prohibited, means the halting of a vehicle, when even momentarily, whether or not the vehicle is occupied;

(k) "suitable sign" means a sign for which the size, shape, colour, content, mounting position and location are approved by the Director of Traffic Services, and includes previously approved signs erected under the authority of former By-law 75-155.

(l) "condominium owner" means the registered owner of a condominium unit. By-law No. 77-221, S.2,3,4.; By-law No. 77-282, S.1; By-law No. 86-81, S.1,2.

2. (1) Except as provided in subsection 2, no person shall park a motor vehicle on class 1 or class 2 private property without the authority of the owner.

(1a) Except as provided in subsection 2, no person shall park a motor vehicle on class 1 or class 2 private property without the authority of the owner, and in any case not in a parking space signed for use by vehicles used for transporting physically handicapped persons unless there is clearly displayed on the driver's side and visible from external view an identifying marker issued by the Commissioner of Social Services for the Regional Municipality of Hamilton-Wentworth.

(2) Where class 1 or class 2 private property or a specific parking space or an area is designated for exclusive use by an occupant or a condominium owner, no person shall park a motor vehicle on the private property without authority of the occupant or the condominium owner. By-law No. 86-81, S.3.

3. No person shall park a motor vehicle on,

- (a) property of the City of a local board thereof;
- (b) class 3 private property,

where parking by the public is not authorized. By-law No. 77-226, S.6; By-law No. 77-282, S.4.

4. Where a driver of a motor vehicle, not being the owner, parks the motor vehicle contrary to section 2 or to section 3 and is liable to a penalty, the owner of the motor vehicle is also liable to such penalty unless at the time the offence was committed, the motor vehicle was in possession of a person other than the owner or his chauffeur without the owner's consent. By-law No. 77-226 S.7.

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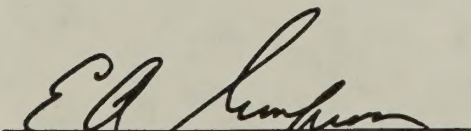
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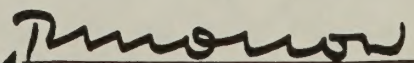
5. (1) A constable or by-law enforcement officer, upon written compliant pursuant to section 6, that a motor vehicle is parked,
- (a) on class 1 private property; or
 - (b) where a suitable sign has been erected on class 2 private property,
may cause the vehicle to be removed and impounded.
- (2) A constable or by-law enforcement officer, upon discovery of a motor vehicle parked,
- (a) on property of the City or any local board thereof;
 - (b) on class 3 private property,
may cause the vehicle to be removed and impounded. By-law No. 77-226, S.8; By-law No. 77-282, S.5.
6. The driver or owner of a motor vehicle parked on class 1 or class 2 private property is not liable,
- (a) to have the motor vehicle removed from such property or impounded; or
 - (b) to have attached to the motor vehicle a serially numbered tag,
except upon written compliant of the owner or occupant of the property. By-law No. 77-226, S.9; By-law No. 77-282, S.6.
- 6a. Notwithstanding section 6, no written individual compliant shall be required for each vehicle parking on class 2 property where the owner or occupant provides the chief constable or the chief by-law enforcement officer with a general written compliant applicable to,
- (a) a vehicle parking on class 2 private property of the owner or occupant that is a vacant lot a partially vacant lot; or
 - (b) a vehicle parked on class 2 private property in a parking space signed for use by vehicles used for transporting physically handicapped persons, not clearly displaying on the sun visor on the driver's side and visible from external view an identifying marker issued by the Commissioner of Social Services for The Regional Municipality of Hamilton-Wentworth to a physically handicapped person who is driving or being transported in the vehicle. By-law No. 83-179, S.1.
7. All costs and charges for removing, care and storage of the vehicle, if any, are a lien upon the vehicle which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.
8. Where a vehicle is removed and impounded under section 5, the owner of the vehicle shall pay the expense of the removal and impounding of the vehicle. By-law No. 75-155, S.1, By-law No. 77-226, S.10.

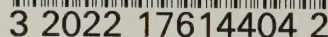
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9. Every person who contravenes any provision of this by-law, is guilty of an offence and is liable to a fine of not more than \$2,000.00 exclusive of costs.
- 9a. The owner of a vehicle that is parked, stopped or left standing in contravention of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.00, exclusive of costs, unless the owner proves to the satisfaction of the court that at the time of the offence the motor vehicle was in the possession of another person without the owner's consent, express or implied. By-law No. 81-123, S.1; By-law No. 81-218, S.8.
10. A constable or by-law enforcement officer observing a vehicle alleged to be parked on,
- (a) class 1 private property contrary to section 2; or
 - (b) class 2 private property contrary to section 2 on which a suitable sign has been erected; or
 - (c) the property of the City or a local board thereof contrary to section 3; or
 - (d) class 3 private property contrary to section 3.
- may attach a serially numbered tag to the motor vehicle. By-law No. 77-226, S.11; By-law No. 77-282, S.11.
11. Any person upon presentation of the tag may, within 7 days pay a penalty out of court in the amount of not less than \$13.00 in respect of a parked vehicle, except that in the case of a vehicle parked illegally in a parking space signed for use by vehicles used for transporting physically handicapped persons the penalty shall be an amount not less than \$50.00. By-law No. 77-226, S.12; By-law No. 79-239, S.1; By-law No. 84-131, S.2; By-law No. 86-166, S.1.
12. Every reference to By-law 75-155 shall be a reference to this By-law.
13. By-law No. 75-155 (Parking of Motor Vehicles on Private Property and Municipal Property) passed on the 27th day of May 1975, and all subsequent amendments are hereby repealed on the date of the passing and enactment of this By-law.

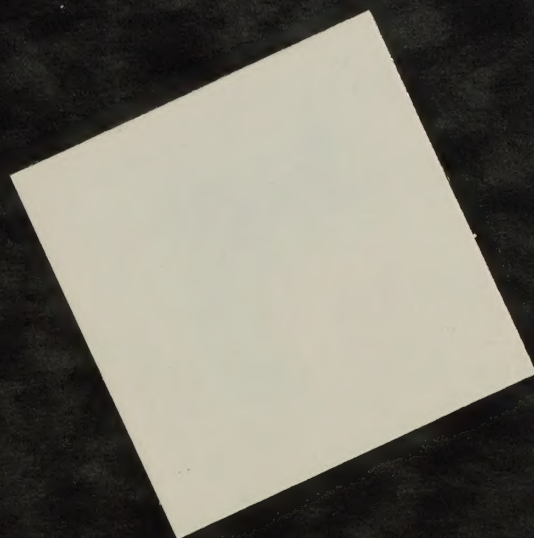
PASSED this 28th day of February A.D. 1989.


City Clerk


Mayor



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